

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(Heard through VC)

CRM-M-333 of 2021 (O&M)
Date of Decision: March 02, 2021

Sumitra Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.434 dated 01.08.2018, under Sections 302, 304-B, 498-A, 34 of Indian Penal Code, registered at Police Station Mahendergarh, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.08.2018. It is *inter alia* argued that the trial had already been commenced in the said matter and in fact, all 21 witnesses of the prosecution stand examined, however, on a subsequent challan being presented against the son of the petitioner herein, a *do novo* trial is to commence. It is argued that during her custody, the petitioner herein made no attempt to influence the witnesses whose statements already stand recorded. The *de novo* trial is likely to take

some time to conclude and therefore, seeks concession of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner by contending that the petitioner ought to have challenged the order whereby two trials have been clubbed together i.e. trial of the petitioner herein and her son, who was arrested after his bail application was dismissed by the Hon'ble Supreme Court.

I have heard learned counsel for the parties and have perused the paper book and found that adequate reasons are there for allowing regular bail to the petitioner, who is in custody since 14.08.2018. The trial was at fag end after statement of the prosecution witnesses had been recorded as well as statement given by the petitioner under Section 313 Cr.P.C. Since the matter stands clubbed with that of son of the petitioner, the *de novo* trial will take some time to conclude and therefore, no useful purpose would be served by keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

March 02, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No